

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1. B02.1.C.1. to permit a lot with a width of 50 feet in lieu of the 55 foot for lots 4 and 5 and to permit a 8.5 foot side yard for lot A in lieu of the required 10 foot.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- (1) Financial Hardship
 - (2) Inability to maintain exterior property due to size.
- See attached letter to Commissioner Jablow 9/6/84.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
J. Richard Danaher
5705 Fair Oaks Ave. 21214 254 2679
Address Phone No.

Legal Owner(s):
Doris Wagner
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
J. Richard Danaher
5705 Fair Oaks Ave. 21214 254 2679
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of October, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of December, 1984, at 11:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: November 23, 1984

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 85-150-A, 85-154-A, 85-156-A
85-162-A and 85-163-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf/bjs

PETITION FOR VARIANCES

14th Election District

LOCATION: South side of Underhill Road, 171.64 feet East of Hamilton Avenue (7903 Underhill Road)

DATE AND TIME: Tuesday, December 4, 1984 at 11:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a lot width of 50 feet in lieu of the required 55 feet for Lots 4 and 5 and to permit an 8.5 foot side yard setback for Lot 4 in lieu of the required 10 feet.

Being the property of Doris Wagner as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 26, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. J. Richard Danaher
5705 Fair Oaks Avenue
Baltimore, Maryland 21214

RE: Item No. 101 - Case No. 85-156-A
Petitioner - Doris Wagner
Variance Petition

Dear Mr. Danaher:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

cc: Keller & Keller
3914 Woodlea Ave
Baltimore, Md. 21206

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 10/23/84
Item #101
Property Owner: Doris Wagner
Location: 515 Underhill Rd.
East of Hamilton Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board.
- ☒ Landscaping should be provided on this site and shown on the plan.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

Eugene A. Boler
Eugene A. Boler
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

November 19, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 101, 102, 104, and 106 Meeting of October 23, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 101, 102, 104, and 106.

Michael S. Flanigan
Traffic Engineering Assoc. II

MEF/cam

85-156-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 23rd day of October, 1984.

Petitioner Doris Wagner
Petitioner's Attorney

ARNOLD JABLON
Zoning Commissioner

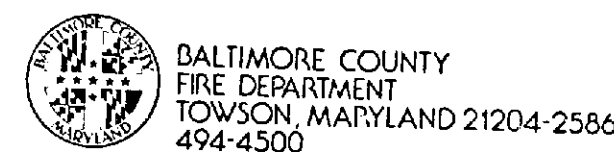
Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

MAY 14 1985

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



PAUL H. REINCKE
CHIEF

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

November 7, 1984

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Doris Wagner

Location: S/S Underhill Rd. 171.64' E. Hamilton Avenue

Item No.: 101

Zoning Agenda: Meeting of 10/23/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

September 6, 1984

Mr. Arnold Jablon
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Commissioner Jablon:

I am writing to seek a variance from the 55 ft. footage and the 10 ft. to the property line requirements.

Enclosed please find a copy of a survey which was recently completed on my property (Lots 4 and 5 of Rosedale Gardens, Section A, Plat Book No. 5, Folio 61). The survey shows not only the location of my home on Lot 4, but also the possible location of a new home on Lot 5.

Since my husband died three years ago, I have lived on a small pension (\$110 per month) and earnings from a part-time job which I was able to secure. It has been increasingly difficult for me, both financially and physically, to keep up my home and property. Because of these circumstances, I find that I have no other option but to sell part of my property. Hopefully, this would make me more financially secure.

When I first investigated the possibility of selling my property, I got a copy of the Plat of Rosedale Gardens. On this plat it appears that most, if not all, lots are 50 ft. wide. In addition, some homes appear to be closer than 10 ft. to the boundary lines. Because there does not seem to be any inconsistencies with surrounding properties, and there is adequate water, sewage and other utilities, and because of my financial hardship, I am requesting a variance which will allow me to subdivide my property into 50 ft. fronts (Lots 4 & 5) and to allow Lot 4 to include a building (my house) less than 10 ft. (8'5") from the property line. My intention is to sell Lot 5 as a "buildable" lot.

Your thoughtful consideration of the above requests is appreciated.

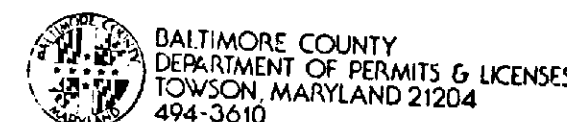
Sincerely,

Doris Wagner
7903 Underhill Road
Baltimore, MD 21237
866-3142

Enclosure

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

11/11/84



TED ZALESKI JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

November 1, 1984

Dear Mr. Jablon:

Comments on Item # 101 Zoning Advisory Committee Meeting are as follows:

Property Owner: Doris Wagner
Location: S/S Underhill Road 171.64' E. Hamilton Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' for lots #4 & 5 and to permit a setback of 8.5' for Lot #4 in lieu of the required 10'.
Acres: 0.429
District: 14th.

The items checked below are applicable:

(A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 2-2-83, as amended, and other applicable Codes.

(B) A building/ & other miscellaneous structure shall be required before beginning construction.

(C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use groups of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

I. Comments _____

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

[Signature]
Charles E. Burnham, Chief
Plans Review

CEB:es

November 1, 1984

Mr. J. Richard Danaher
5705 Fair Oaks Avenue
Baltimore, Maryland 21214

NOTICE OF HEARING

RE: Petition for Variance
S/S Underhill Rd., 171.64' E
of Hamilton Avenue (7903 Underhill Road)
Doris Wagner - Petitioner
Case No. 85-156-A

TIME: 11:30 a.m.

DATE: Tuesday, December 4, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 134329

DATE: 10-11-84 ACCOUNT: 12-01-615-074

AMOUNT: 35.00

RECEIVED FROM: [Signature]
FOR: [Signature]

8 010*****35010 8118F

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S of Underhill Rd., 171.64' : OF BALTIMORE COUNTY
E of Hamilton Ave. (7903 :
Underhill Rd.), 14th District :
DORIS WAGNER, Petitioner : Case No. 85-156-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

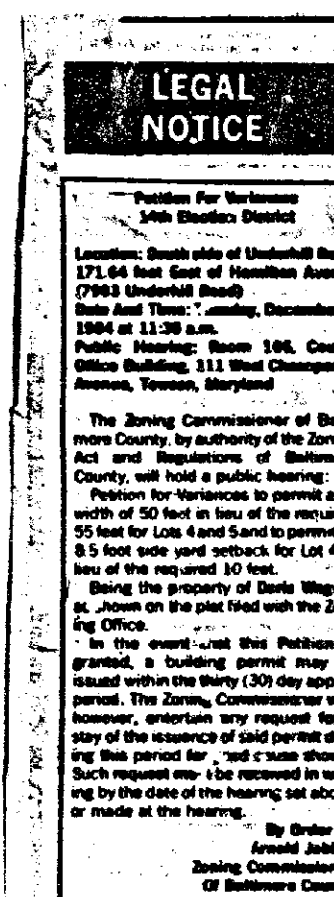
I HEREBY CERTIFY that on this 8th day of November, 1984, a copy of the foregoing Entry of Appearance was mailed to Doris Wagner, c/o J. Richard Danaher, 5705 Fair Oaks Ave., Baltimore, MD 21214, Petitioner's representative.

[Signature]
Peter Max Zimmerman

ORIGINAL CERTIFICATE OF PUBLICATION

Dundalk, MD., 11/16, 1984
THIS IS TO CERTIFY, that the annexed advertisement was published in THE BALTIMORE COUNTY JOURNAL, a weekly newspaper, published in Dundalk, Baltimore County, Maryland, appearing on NOV. 15, 1984

The Baltimore County Journal,
[Signature]
Publisher



60819

MAY 14 1985

PETITION FOR VARIANCES
14th Election District
LOCATION: South side of Underhill Road, 171.64 feet East of Hamilton Avenue (7903 Underhill Road)
DATE AND TIME: Tuesday, December 4, 1984 at 11:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance to permit a lot width of 50 feet in lieu of the required 55 feet for Lots 4 and 5 and to permit an 8.5 foot side yard setback for Lot 4 in lieu of the required 10 feet.
Being the property of Doris Wagner as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
Nov. 18

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 15, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 15, 1984.

THE JEFFERSONIAN,

18 Venetian
Publisher

Cost of Advertising 20⁰⁰



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 26, 1984

Mr. J. Richard Danaher
5705 Fair Oaks Avenue
Baltimore, Maryland 21214

RE: Petition for Variance
S/S Underhill Rd., 171.64' E of
Hamilton Avenue (7903 Underhill Road)
Doris Wagner - Petitioner
Case No. 85-156-A

Dear Mr. Danaher:

This is to advise you that \$43.50 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135892

DATE: Dec. 4, 1984 ACCOUNT: X-C-15-A-111

AMOUNT: \$43.50

RECEIVED FROM: J. Richard Danaher
FOR: Advertising & Posting of Petition for Variance (Case No. 85-156-A)
(Doris Wagner)

C 082*****43561a 2046F

VALIDATION OR SIGNATURE OF CASHIER

OLD JABLON
Zoning Commissioner

IN RE: PETITION FOR VARIANCES
S/S of Underhill Road,
171.64' E of Hamilton
Avenue - 14th Election
District
Doris Wagner,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-156-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit lot widths of 50 feet instead of the required 55 feet for Lots 4 and 5 and a side yard setback of 8 1/2 feet instead of the required 10 feet for Lot 4, as more particularly shown on Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing was the Petitioner's son-in-law, J. Richard Danaher. There were no Protestants.

Testimony indicated that the Petitioner owns two adjoining lots. Lot 4 is improved with a single-family dwelling which the Petitioner resides in and Lot 5 is unimproved. These lots are part of the Rosedale Farms subdivision, recorded among the Land Records of Baltimore County in March, 1920, and 90% of them are 50 feet wide. The Petitioner would like to sell Lot 5 because she is unable to maintain it since her husband's death and her income is limited.

Additionally, due to the potential sale of Lot 5, a side yard setback of 8 1/2 feet instead of the required 10 feet from the existing dwelling on Lot 4 to the new eastern property line separating Lot 4 from Lot 5 would be required.

The Petitioner seeks relief from Section 1802.3.C.1, pursuant to Section 307, Baltimore County Zoning Regulations, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

Anderson v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of December, 1984, that the Petition for Zoning Variances to permit lot widths of 50 feet instead of the required 55 feet for Lots 4 and 5 and side yard setback of 8 1/2 feet instead of the required 10 feet for Lot 4 be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however,

PETITION FOR ZONING VARIANCE

ZONING DESCRIPTION

7903 Underhill Road
Baltimore, Maryland 21237
Lots 4 and 5

Beginning on the South side of Underhill Road at the distance of 171.64 feet Easterly from the East side of Hamilton Avenue at the North-east corner of Lot No. 3 as laid out on the plat of Rosedale Gardens Section A (formerly called Rosedale Farms) and thence Easterly along the South side of Underhill Rd. 100 feet to the West side of Lot No. 6 thence Southerly along the West side of Lot No. 6 and at right angles to Underhill Road 175.51 feet to the Southernmost outline of the whole property thence Westerly along said Southernmost outline 100.24 feet to the East side of Lot No. 1 thence Northerly along the East side of Lots Nos. 1, 2 and 3, 168.52 feet to the place of the beginning. Being Lots 4 and 5 as laid out on the plat of Rosedale Gardens Section A recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5 folio 61. Also known as 7903 Underhill Road in the 14th Election District Baltimore County, Maryland.

PETITION FOR VARIANCES

14th Election District

LOCATION: South side of Underhill Road, 171.64 feet East of Hamilton Avenue (7903 Underhill Road)
DATE AND TIME: Tuesday, December 4, 1984 at 11:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a lot width of 50 feet in lieu of the required 55 feet for Lots 4 and 5 and to permit an 8.5 foot side yard setback for Lot 4 in lieu of the required 10 feet.

Being the property of Doris Wagner as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

September 6, 1984

Mr. Arnold Jablon
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Commissioner Jablon:

I am writing to seek a variance from the 55 ft. footage and the 10 ft. to the property line requirements.

Enclosed please find a copy of a survey which was recently completed on my property (Lots 4 and 5 of Rosedale Gardens, Section A, Plat Book WPC No. 5, Folio 61). The survey shows not only the location of my home on Lot 4, but also the possible location of a new home on Lot 5.

Since my husband died three years ago, I have lived on a small pension (\$110 per month) and earnings from a part-time job which I was able to secure. It has been increasingly difficult for me, both financially and physically, to keep up my home and property. Because of these circumstances, I find that I have no other option but to sell part of my property. Hopefully, this would make me more financially secure.

When I first investigated the possibility of selling my property, I got a copy of the Plat of Rosedale Gardens. On this plat it appears that most, if not all, lots are 50 ft. wide. In addition, some homes appear to be closer than 10 ft. to the boundary lines. Because there does not seem to be any inconsistencies with surrounding properties, and there is adequate water, sewage and other utilities, and because of my financial hardship, I am requesting a variance which will allow me to subdivide my property into 50 ft. fronts (Lots 4 & 5) and to allow Lot 4 to include a building (my house) less than 10 ft. (8'5") from the property line. My intention is to sell Lot 5 as a "buildable" lot.

Your thoughtful consideration of the above requests is appreciated.

Sincerely,

Doris Wagner
7903 Underhill Road
Baltimore, MD 21237
866-3142

Enclosure

PETITIONER'S
EXHIBIT 3

ORDER RECEIVED FOR FILING

DATE

By *Doris Wagner*

ORDER RECEIVED FOR FILING

DATE

By *Doris Wagner*

ORDER RECEIVED FOR FILING

DATE

By *Doris Wagner*

BY

Doris Wagner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 11, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. J. Richard Danaher
5705 Fair Oaks Avenue
Baltimore, Maryland 21214

Item No. 101 - Case No. 85-156-A
Petitioner - Doris Wagner
Variance Petition

Dear Mr. Danaher:

Enclosed please find additional comments submitted after my original comments of November 26, 1984. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

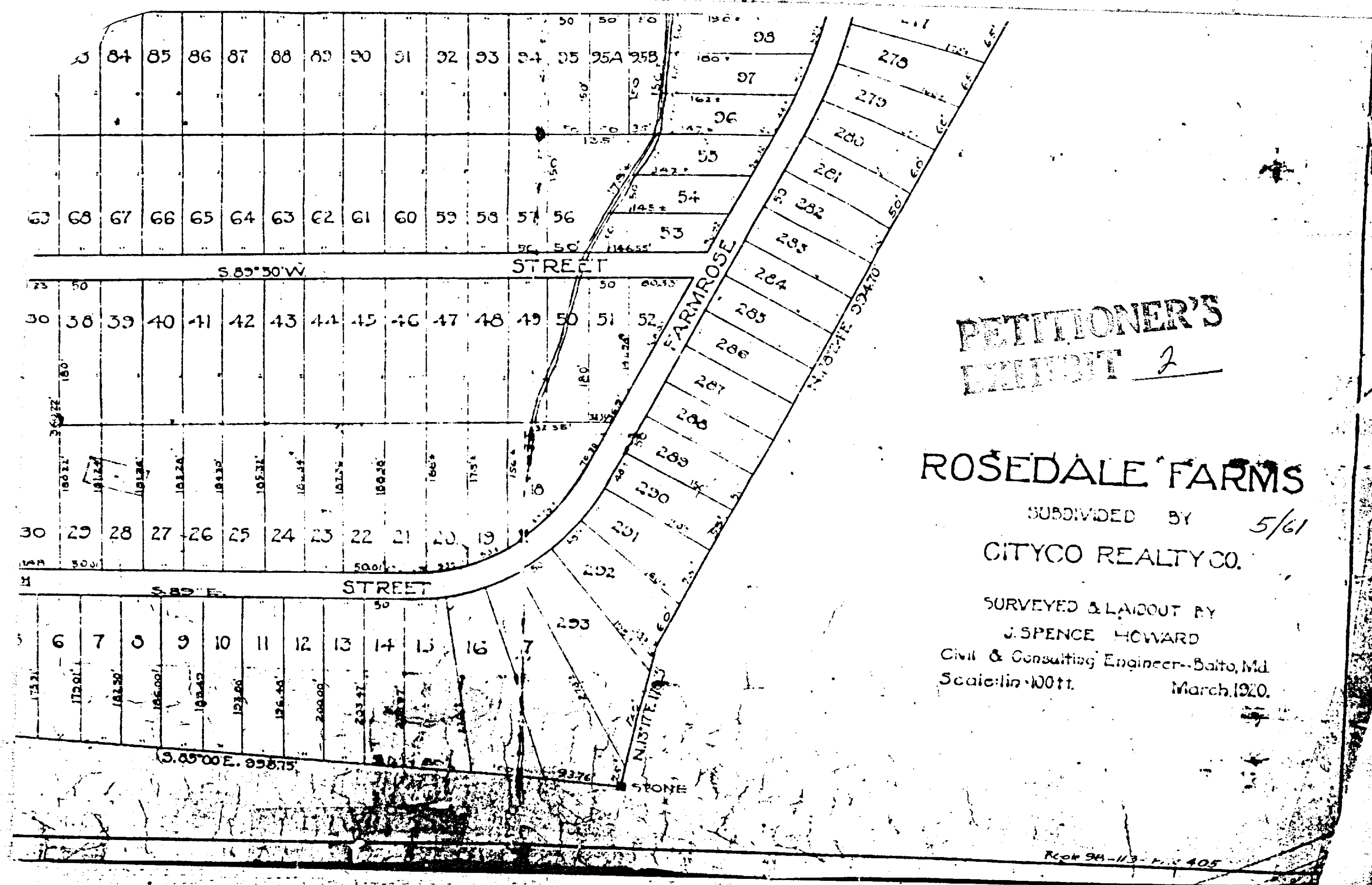
Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: Keller & Keller
3914 Woodlea Avenue
Baltimore, Md. 21206



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

December 7, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #101 (1984-1985)
Property Owner: Doris Wagner
S/S Underhill Rd. 171.64' E. Hamilton Ave.
Acres: 0.429
District: 14th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

Baltimore County highway and utility improvements exist and are not directly involved.

Underhill Road, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

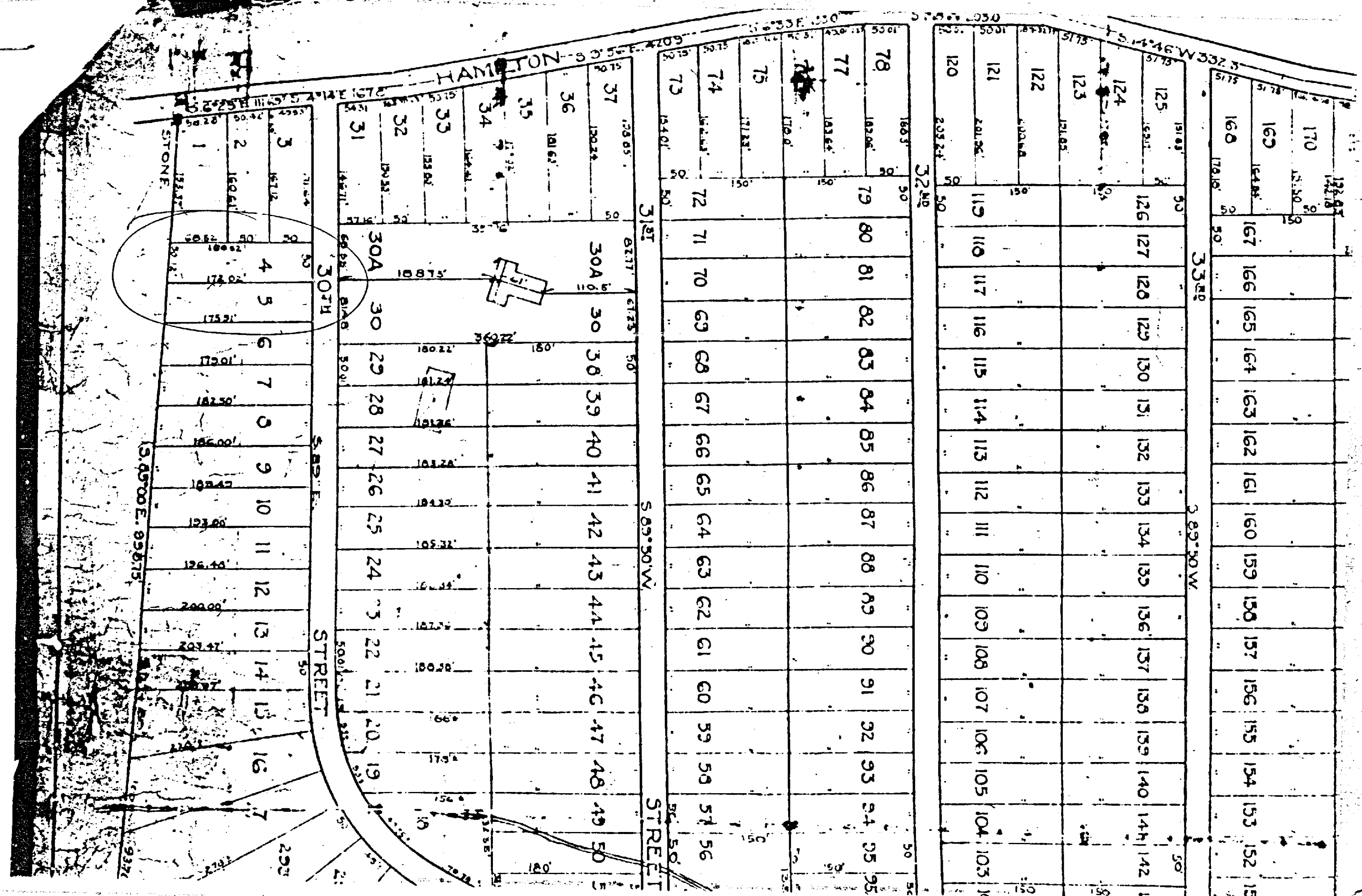
The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Very truly yours,

James A. Markle
JAMES A. MARKLE, P.E., C.E.
Bureau of Public Services

JAM:EAM:FWR:se

J-SE Key Sheet
10 NE 18 Pos. Sheet
NE 3 E Topo
89 Tax Map



BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD.

HAMILTON AVE.

UNDERHILL

ROAD (former, 30' St.)

PETITIONER'S
EXHIBIT 1

Note:

Please contact all utility companies before digging.

Existing Dwg.

#7902

D.R. 5.5

D.R. 5.5

Lot #31

Lot #30A

Lot #30

Lot #29

Stone Dwg. Lot #7902 & #7904-66

Pole w/line

Sewer M.H.

8" Water

#6130

Existing Dwg.

D.R. 5.5

#6132

Existing Dwg.

Lot #3

#7903

1st Farm-stone Dwg. (Existing)

Chain link Fence

Storage Shed

Porch

#7907

Existing Dwg.

Lot #2

Lot #1

Lot #4

Bldg Envelope

Lot #5

Lot #6

Lot #7

GENERAL NOTES

Existing Zoning D.R. 5.5
Gross Area 18,200.476[±] (0.429 Ac.)
Net Area 17,200.476[±] (0.395 Ac.)
Lot #4 Gross Area = 9262.972[±] (0.213 Ac.)
Net Area = 8512.972[±] (0.196 Ac.)
Lot #5 Gross Area = 9437.504[±] (0.216 Ac.)
Net Area = 8587.504[±] (0.199 Ac.)

MAP	42
SECTION	NE 3/4 E.
DISTRICT	14
DATE	10/21
TYPE	A
SCALE	1" = 20'
FINAL	BY

SCALE: 1" = 20'
DATE: AUG. 29th, 1934.

REG. PROF. P.L.S. NO. 67

KELLER & KELLER
LAND SURVEYORS

3914 WOODLEA AVE.
BALTO., MD. 21206
301-483-5150

Plat to accompany POSSIBLE VARIANCE PETITION for

Mrs. Doris Wagner
#7903 Underhill Rd.
14th Elec. Dist. Balto. Co., Md. 21237

Being Lots #4 & #5, Plat of Rosedale Gardens Section A (formerly called Rosedale Farms) recorded in Balto. Co. W.P.C. 5/61